

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICHARD R. FURSTENAU,)	
)	
Plaintiff,)	No. 07 C 6143
)	
v.)	Judge Charles R. Norgle
)	
CITY OF NAPERVILLE, a municipal)	Magistrate Judge Geraldine Soat Brown
Corporation; MICHAEL HULL, in his individual)	
and official capacity; DAVID DIAL, in his)	
official and individual capacity; MICHAEL)	
CROSS; in his individual and official capacity;)	
PETER BURCHARD, in his official and)	
individual capacity; MARGO L. ELY, in her)	
individual and official capacity; and JOE)	
MATCHETT, in his individual an official)	
capacity,)	
)	
Defendants.)	

**CERTAIN DEFENDANT'S AGREED MOTION FOR ENLARGEMENT
OF TIME TO FILE ITS RESPONSIVE PLEADING TO
PLAINTIFF'S THIRD AMENDED COMPLAINT**

Certain Defendants, CITY OF NAPERVILLE, by and through its attorneys, Freeborn & Peters LLP, MARGO L. ELY and JOE MATCHETT by through their attorneys, James G. Sotos & Associates, Ltd., and PETER BURCHARD, by through his attorneys Ekl Williams PLLC, ("Certain Defendants") respectfully move the Court for a seven (7) day enlargement of time to file its responsive pleading to Plaintiff's Third Amended Complaint. In support thereof, Certain Defendant state:

1. On February 11, 2008, Plaintiff filed a Third Amended Complaint. (See, Dkt. #42.) Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Certain Defendants were required to answer or otherwise plead by February 26, 2008.

2. Although the Third Amended Complaint did not add any new counts, the allegations upon which the claims are based have changed significantly from previous iterations of the complaint. These changes require a different legal analysis of plaintiff's claims.

3. This analysis has proven to be more extensive than anticipated. Due to this fact and other obligations of Certain Defendants' counsel, additional time is required to file the pleadings.

4. As a result, Certain Defendants seek an additional seven (7) days to file their responsive pleadings.

5. Terrence J. Sheahan, counsel for Defendant City of Naperville, has discussed this request with Plaintiff's counsel Shawn Collins who advised that he had no objection to the request.

6. Finally, this motion is not being brought for purposes of unnecessary delay. Neither of the parties will suffer any prejudice by granting the short extension of time requested. Moreover, the interest of justice will be served because the short extension requested will allow Certain Defendants' counsel adequate time to prepare and file the responsive pleadings.

WHEREFORE, Certain Defendants request that this Court enlarge its time to file their responsive pleadings to Plaintiff's Third Amended Complaint to and including March 4, 2008.

Respectfully submitted,

CITY OF NAPERVILLE

By: /s/ Terrence J. Sheahan
One of Their Attorneys

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City of Naperville*

Respectfully submitted,

MARGO L. ELY and JOE MATCHETT

By: /s/ James G. Sotos
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Respectfully submitted,

PETER BURCHARD

By: /s/ Terry A. Ekl
One of His Attorneys

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Counsel for Defendants
Peter Burchard

Date: February 22, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2008, I electronically filed the **Notice of Motion**, and **Certain Defendant's Agreed Motion for Enlargement of Time to File Its Responsive Pleading to Plaintiff's Third Amended Complaint** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Terrence J. Sheahan
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